

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.58838 of 2021

Arising Out of PS. Case No.-174 Year-2021 Thana- BHANGWANPUR HAT District- Siwan

1. MUNNA MIYAN S/o Akhtar Miyan R/o village- Tilokahata Lakari Dargah, P.S.- Barhariya, District- Siwan
2. ANIL KUMAR @ ANIL S/o Mahendra Singh R/o village- Asoda, P.S.- Asoda, District- Jhajjar (Hariyana)

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr.Pankaj Kumar Singh
For the Opposite Party/s:		Mr.Md. Mushtaque Alam
		Mr. Vikash Kumar, SC-11

CORAM: HONOURABLE MR. JUSTICE PURNENDU SINGH
ORAL ORDER

3 19-05-2022 Heard learned counsel appearing on behalf of the petitioners and learned A.P.P. for the State.

Let the defect(s) be removed within two weeks of the complete start of the physical Court in normal course.

The petitioners seek regular bail in connection with Bhagwanpur Hatt P.S. Case No. 174 of 2021, for the offence punishable under Section 30(a), 38(1) and 41(1) of the Bihar Prohibition and Excise Act, 2016.

The allegation is recovery of 714 litres of foreign liquor from Bolero Pick-up bearing registration No. UP52F-5393.

Learned counsel appearing on behalf of the petitioners submits that the petitioner has clean antecedent and he is in



custody since 08.08.2021. He further submits that the alleged recovery has been made from the pick up bearing registration No. UP52F-5393 with which the petitioner has no concern.

Smt. Asha Devi, learned A.P.P. for the State has opposed the prayer for grant of bail to the petitioner and submits that huge quantity of foreign liquor was recovered from the said vehicle, the petitioner is the driver of the said car. The petitioner has found to be engaged in illicit trade of liquor and there is every likelihood that he is engaged in smuggling of liquor in the manner in which the said vehicle which is registered outside the State of Bihar has entered in the State.

Sri Vikash Kumar, SC-11 submits that the modus operandi adopted by the petitioner requires a details report as such this case will be taken as test case so that exact modus operandi of such smugglers can be determined and the import of illicit liquor manufactured outside the State of Bihar can be stopped. The petitioner was found driving the said car.

Considering the nature of allegation made against the petitioner, who claims he has clean antecedent and he in custody since 08.08.2021. The Court below is directed to obtain report from the S.P. Siwan, the District Transport Officer, Siwan and Superintendent Excise regarding the details of the vehicle,



in question, and the consignment loaded on it. The Excise Superintendent, Siwan not file action taken report and measures taken by him in which huge quantity of liquor has been recovered. If the court below finds the said vehicle is not registered in the name of the petitioner, the petitioners, above named, are directed to be enlarged on bail on furnishing bail bond of Rs. 1,00,000/- (Rs. One Lakh) with two sureties of the like amount each to the satisfaction of the learned Addl. Sessions Judge-II-cum-Special Judge, Excise, Siwan in connection with Bhagawanpur Hatt P.S. Case No. 174 of 2021, subject to the following conditions:-

(1) Bailors should be local having sufficient immovable property within the jurisdiction of the Court concerned.

(2) Petitioner shall co-operate in the trial and shall be properly represented on each and every date fixed by the Court.

(3) If the petitioner tampers with the evidence or the witnesses of the case, in that case, prosecution will be at liberty to move for cancellation of bail of the petitioner.

(4) If the petitioner is found involved in similar nature of offence, after his release on bail, the trial Court shall take steps to cancel his bail bonds.

(5) The Court below is directed to verify the



criminal antecedent of the petitioners and if the petitioners are found accused in any other case, as mentioned in paragraph No.3 of the bail petition, this order will automatically loose its force.

It is made clear that the authorities named above are also directed to submit there respective report before I.G. Prohibition.

(Purnendu Singh, J)

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